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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Argentina,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile, Colombia,* Cyprus,* Czechia,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Greece,* Honduras,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Mexico, Montenegro,* Netherlands,* New Zealand,* Norway,* Peru, Portugal,* Republic of Moldova,* Romania,* San Marino,* Slovenia, Spain, Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay:* draft resolution

38/... Elimination of all forms of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, and recalling relevant conventions adopted by the International Labour Organization on the issue of discrimination against women,

Recalling that gender equality and the condemnation of discrimination and violence against them have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

* State not a member of the Human Rights Council.

Recalling the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its mainstreaming into all goals and targets of the 2030 Agenda for Sustainable Development, and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of sex and gender, and that national legislation should adhere to each State's international obligations,

Recalling that all human rights are universal, indivisible, interdependent and interrelated, that gender equality must be promoted in a comprehensive and systematic manner, and that persistent discrimination within families and societies has a debilitating impact on women's and girls' equal rights in all aspects of life, and affirming that no State can be indifferent to the violations of human rights anywhere in the world,

Reaffirming women's and girls' economic and social rights, and emphasizing the significant role that women play in economic development and in the eradication of poverty, and that sustainable development will only be achievable with women's economic empowerment and independence, and equal economic rights of women and men, and of girls and boys where applicable, to economic and productive resources, including ownership and control of land, natural and other productive resources, property, inheritance, and financial services, including microfinance, equal opportunities for women for full and productive employment and decent work, and equal pay for equal work or work of equal value, legal advice and support, vocational training, information and communications technology and markets, and by removing barriers to women's full, equal and meaningful participation in local, national and international economies,

Emphasizing the importance of women's and girls' access to justice for achieving the 2030 Agenda and of fostering a responsive justice system that advances and ensures the application of women's and girls' equal rights and opportunities and their full, equal and meaningful participation,

Recognizing the contribution of families to sustainable development, and acknowledging the benefit of implementing family-oriented policies aimed at, inter alia, eliminating poverty, protecting them from violence, exclusion and involuntary separation, achieving gender equality and the empowerment of all women and girls, the full participation of women in society, a work-family balance and the self-sufficiency of the family unit, and that the equal sharing of family responsibilities creates an enabling environment for the empowerment of all women and girls,

Deeply concerned that discrimination against women and girls persists in all cultures, with different levels of intensity and differing impact,[1] and by the fact that many women and girls everywhere, particularly those with disabilities and those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws, policies and harmful practices, inter alia, female genital mutilation and child, early and forced marriage, and that de jure and de facto equality has not been achieved,

Regretting that specious justifications based on State sovereignty, tradition, cultural or religious interpretations contrary to the international obligation to eliminate all forms of discrimination against women and girls are used to keep women and girls from taking an equal place in society and families or from exercising full control over their bodies and their personhood,

Expressing concern at persistent gender gaps and the increase in gender segregation by sector in the labour market, created by discrimination based on patriarchal social norms, showing that women have substantially fewer opportunities than men to participate meaningfully in the economy and in decision-making processes at all levels and areas, to have control over assets, including land, are more likely to be unemployed or underemployed, to be paid less for equal work or work of equal value, to be engaged in

[1] See A/HRC/38/46.

precarious work with limited legal and social protections, and that women and girls undertake a disproportionate share of unpaid care and domestic work,

Stressing the need to promote the right of women to work and their full, equal and meaningful participation in the economy and in decision-making processes at all levels and areas, ensuring access to economic resources, including land and natural resources, and equal pay for equal work or work of equal value, decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and equal sharing of work and family responsibilities for both women and men,

Recognizing that the right to work and just and favourable working conditions, and the right to non-discrimination and gender equality, combined with the right to sexual and reproductive health, also requires States to ensure employment with maternity protection and parental leave for workers, including workers in vulnerable situations, as well as protection from sexual harassment in the workplace and the prohibition of discrimination based on pregnancy, childbirth or parenthood,

Expressing profound concern at the backlash against the progress made by States, international and regional organizations, and civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to authoritarianism in political governance, economic crisis and inequality, retrogressive lobbies and political or religious interpretations that oppose the struggle for women's and girls' equal rights,

Recognizing the differing needs of girls and women at different ages and stages of their lives, and the various patterns of discrimination that affect their day-to-day reality,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage, have direct negative implications for the status and treatment of women and girls and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Strongly condemning discrimination and gender-based violence against women and girls in all its forms, online and offline, in public and private spaces, including harassment, sexual and online harassment, domestic violence, including intimate partner violence, ex-partner violence, stalking and so-called "honour-based" violence, and recognizing that they constitute violations or abuses of women's and girls' human rights and are a manifestation of gender inequality and a major impediment to the achievement of women's economic empowerment, independence and social and economic development, imposing short- and long-term costs on society and individuals,

Recognizing the importance of relevant standards of the International Labour Organization relating to the realization of women's right to work and rights at work that are critical for women's economic empowerment, and welcoming the work undertaken by the Organization towards the development of a convention and a recommendation on violence and harassment in the workplace,

Reaffirming that the full enjoyment of all human rights by women and girls includes their right to have control over and to decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships in matters of sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences, in accordance with international human rights law,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, to promoting the economic empowerment of women and girls and the fulfilment of their right to decent work and education, and recognizing also the

importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures promoting substantive equality in the empowerment of women and girls,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations, and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention;

(c) To implement the Convention through appropriate legislation, regulation, policies and programmes;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note with appreciation* of the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, including its report,[2] and calls upon States to take steps to promote reforms as appropriate and to implement legal frameworks and policies directed to achieving gender equality and the prevention and elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified therein and the recommendations of the Working Group, and also those made by the Special Rapporteur on violence against women, its causes and consequences, other States in the context of the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of human rights of all women and girls;

3. *Calls upon* States:

(a) To repeal all laws that exclusively or disproportionately criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious interpretation contrary to the international obligation to eliminate all forms of discrimination against women and girls;

(b) To ensure that their international obligations on gender equality and non-discrimination are incorporated at all levels of legal frameworks, including in relation to women's and girls' access to justice, redress and effective remedies;

(c) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations and a gender-responsive perspective, involving, when necessary, independent experts, national human rights institutions, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(d) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to nationally appropriate social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

(e) To promote legislation, regulation, policies and programmes that facilitate all women's economic empowerment, ensure equal pay for equal work or work of equal value and prohibit all forms of discrimination, including in the workplace and in education, such as discrimination against women and girls based on pregnancy, maternity, marital status, age, race, sex or gender, as well as violence and harassment against them, including sexual harassment and harassment in digital and online spaces;

[2] A/HRC/38/46.

4. *Urges* States:

(a) To ensure women's and girls' equal enjoyment of economic, social, cultural, civil and political rights through the prohibition of and appropriate action to eliminate all forms of discrimination by all actors, State and non-State alike;

(b) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in all fields and in leadership at all levels of decision-making in public and private sectors;

(c) To modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

(d) To support gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's rights into teacher training courses, including the prevention of sexual and gender-based violence, and ensuring universal access to quality and comprehensive sexuality education;

(e) To provide training on a rights-based gender analysis for duty holders in all spheres and sectors and meaningful collaboration with civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

(f) To support tripartite collaboration among Governments, employers and women workers and their organizations, including trade unions or other representative organizations, to prevent and remove barriers to gender equality and the empowerment of women in the workplace;

5. *Calls upon* States to implement policies and actions directed:

(a) To eradicate poverty and to combat the feminization of poverty, to ensure the full and equal participation of women in the design and implementation of and follow-up to poverty eradication and development policies and programmes, to promote employment and decent work, and to promote the participation of women at all levels and sectors of the economy;

(b) To recognize, reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work, including caring for children, family members with disabilities and older family members, by promoting policies and initiatives that support the reconciliation of work and family life and the equal sharing of responsibilities between women and men, to take steps to implement family-oriented policies to achieve a family-work balance and to facilitate the transition of women informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

(c) To enact legislation and undertake reforms as appropriate to realize the equal rights of women and men, and, where applicable, girls and boys, to natural, economic and productive resources, including access to, use of, and ownership of and control over land, property and inheritance rights, including diverse types of land tenure, appropriate new technology and financial services, such as credit, banking and finance, including but not limited to microfinance, as well as equal access to justice and legal assistance in this regard, and ensure women's legal capacity and equal rights with men's to conclude contracts, in particular of groups of women who are subject to multiple and intersecting forms of discrimination;

(d) To promote substantive equality by adopting the measures necessary to prevent, diminish and eliminate patriarchal and gender stereotypes that cause or perpetuate substantive or de facto discrimination, including, where appropriate, the adoption of temporary special measures, including for gender-specific needs and equal enjoyment benefits;

(e) To encourage and facilitate women's entrepreneurship, including by improving access to financing and investment opportunities, tools of trade, business development and training, through, inter alia, the mobilization of adequate financial resources, capacity-building and the transfer of technology on mutually agreed terms, in order to increase the share of trade and procurement from women's enterprises, including micro-, small and medium-sized enterprises, cooperatives and self-help groups in both the public and private sectors, and to promote girls' and young women's access to training for business development;

(f) To prevent and eliminate all forms of violence and sexual harassment against women and girls in all settings, including public and private spaces, means of public transport, schools and workplaces, particularly workplaces that are largely male-dominated or where stereotyped masculinity prevails, by, inter alia, implementing effective violence-prevention and response activities, including by facilitating effective action after sexual harassment has been committed by holding perpetrators to account and providing victims with access to remedies and protection, engaging men and boys, educating children from a young age about the importance of treating all people with dignity and respect, and by designing educational programmes and training materials that support gender equality, human rights, respectful relationships and non-violent behaviour;

(g) To ensure access to justice and accountability mechanisms for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by informing women and girls about their rights under relevant laws and by improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

(h) To ensure the equal enjoyment by women and girls of quality education, including at all levels human rights education and training, in a safe environment, leading to effective learning outcomes, thereby facilitating their access to information and communications technology and science, and technology, engineering and mathematics education in order to promote their empowerment and to allow them to develop the skills, information and knowledge necessary to support their labour market entry;

6. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's and girls' full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and practice can thrive;

7. *Urges* States to promote, protect and fulfil sexual and reproductive health and rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every individual to have full control over and decide freely and responsibly on all matters relating to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to bodily autonomy and guarantee universal access to sexual and reproductive health, services, evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national health strategies and programmes;

8. *Also urges* States to develop, support and protect an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all legislation and policies relevant to substantive gender equality, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women and girls, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[3] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex-, disability- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, disability, income and other characteristics relevant in national contexts;

10. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

11. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

12. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

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[3] A/HRC/32/20.

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Albania,* Andorra,* Argentina,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Brazil, Bulgaria,* Canada,* Chile, Colombia,* Croatia, Cyprus,* Czechia,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Greece,* Haiti,* Honduras,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Mexico, Montenegro,* Netherlands,* New Zealand,* Norway,* Peru, Portugal,* Republic of Moldova,* Romania,* Rwanda, San Marino,* Slovenia, Spain, Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay:* draft resolution

38/... Elimination of all forms of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, and recalling relevant conventions adopted by the International Labour Organization on the issue of discrimination against women,

Recalling that gender equality and the condemnation of discrimination and violence against women and girls have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

* State not a member of the Human Rights Council.

Recalling further the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its mainstreaming into all goals and targets of the 2030 Agenda for Sustainable Development, and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of sex and gender, and that national legislation should adhere to each State's international obligations,

Recalling that all human rights are universal, indivisible, interdependent and interrelated, that gender equality must be promoted in a comprehensive and systematic manner, and that persistent discrimination within families and societies has a debilitating impact on the equal enjoyment of human rights by women and girls in all aspects of life, and affirming that no State can be indifferent to the violations of human rights anywhere in the world,

Reaffirming women's and girls' economic and social rights, and emphasizing the significant role that women play in economic development and in the eradication of poverty, and that sustainable development will only be achievable with women's economic empowerment and independence, and equal economic rights of women and men, and, where applicable, girls and boys, to economic and productive resources, including ownership and control of land, natural and other productive resources, property, inheritance, and financial services, including microfinance, equal opportunities for women for full and productive employment and decent work, and equal pay for equal work or work of equal value, legal advice and support, vocational training, information and communications technology and markets, and by removing barriers to women's full, equal and meaningful participation in local, national and international economies,

Emphasizing the importance of women's and girls' access to justice and of fostering a responsive justice system that advances and ensures the application of women's and girls' equal rights and opportunities and their full, equal and meaningful participation for achieving the 2030 Agenda,

Recognizing the contribution of families to sustainable development, and acknowledging the benefit of implementing family-oriented policies aimed at, inter alia, eliminating poverty, protecting them from violence, exclusion and involuntary separation, achieving gender equality and the empowerment of all women and girls, the full participation of women in society, a work-family balance and the self-sufficiency of the family unit, and that the equal sharing of family responsibilities creates an enabling environment for the empowerment of all women and girls,

Deeply concerned that discrimination against women and girls persists in all cultures, with different levels of intensity and differing impact,[1] and by the fact that many women and girls everywhere, particularly those with disabilities and those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws, policies and harmful practices, inter alia, female genital mutilation and child, early and forced marriage, and that de jure and de facto equality has not been achieved,

Regretting that specious justifications based on tradition or cultural or religious interpretations contrary to the international obligation to eliminate all forms of discrimination against women and girls are used to keep women and girls from taking an equal place in society and families or from exercising full control over their bodies and their personhood,

Expressing concern at persistent gender gaps and the increase in gender segregation by sector in the labour market, created by discrimination based on patriarchal social norms, showing that women have substantially fewer opportunities than men to participate meaningfully in the economy and in decision-making processes at all levels and areas, to have control over assets, including land, are more likely to be unemployed or

[1] See A/HRC/38/46.

underemployed, to be paid less for equal work or work of equal value, to be engaged in precarious work with limited legal and social protections, and that women and girls undertake a disproportionate share of unpaid care and domestic work,

Stressing the need to promote the right of women to work and their full, equal and meaningful participation in the economy and in decision-making processes at all levels and areas, ensuring access to economic resources, including land and natural resources, and equal pay for equal work or work of equal value, decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and equal sharing of work and family responsibilities for both women and men,

Recognizing that the right to work and just and favourable working conditions, and the right to non-discrimination and gender equality, combined with the right to sexual and reproductive health, also requires States to ensure employment with maternity protection and parental leave for workers, including workers in vulnerable situations, as well as protection from sexual harassment in the workplace and the prohibition of discrimination based on pregnancy, childbirth or parenthood,

Expressing profound concern at the backlash against the progress made by States, international and regional organizations, and civil society, including women's and community-based organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to economic crisis and inequality, retrogressive lobbies and political or religious interpretations that oppose the struggle for women's and girls' equal rights,

Recognizing the differing needs of girls and women at different ages and stages of their lives, and the various patterns of discrimination that affect their day-to-day reality,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage, have direct negative implications for the status and treatment of women and girls and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Strongly condemning discrimination and gender-based violence against women and girls in all its forms, in digital contexts and offline, in public and private spaces, including harassment, sexual and online harassment, domestic violence, including intimate partner violence, ex-partner violence, stalking and so-called "honour-based" violence, and recognizing that they constitute violations or abuses of women's and girls' human rights and are a manifestation of gender inequality and a major impediment to the achievement of women's economic empowerment, independence and social and economic development, imposing short- and long-term costs on society and individuals,

Recognizing the importance of relevant standards of the International Labour Organization relating to the realization of women's right to work and rights at work that are critical for women's economic empowerment, and welcoming the work undertaken by the Organization towards the development of a convention and a recommendation on violence and harassment in the workplace,

Reaffirming that the full enjoyment of all human rights by women and girls includes their right to have control over and to decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships in matters of sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences, in accordance with international human rights law,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations, to promoting the economic empowerment of

women and girls and the fulfilment of their right to decent work and education, and recognizing also the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures promoting substantive equality in the empowerment of women and girls,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations, and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention;

(c) To implement the Convention through appropriate legislation, regulation, policies and programmes;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note* of the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, including its report,[2] and calls upon States to take steps to promote reforms as appropriate and to implement legal frameworks and policies directed to achieving gender equality and the prevention and elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified therein and the recommendations of the Working Group, and also those made by the Special Rapporteur on violence against women, its causes and consequences, other States in the context of the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of human rights of all women and girls;

3. *Calls upon* States:

(a) To repeal all laws that exclusively or disproportionately criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious interpretation contrary to the international obligation to eliminate all forms of discrimination against women and girls;

(b) To ensure that their international obligations on gender equality and non-discrimination are incorporated at all levels of legal frameworks, including in relation to women's and girls' access to justice, redress and effective remedies;

(c) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations and a gender-responsive perspective, involving, when necessary, independent experts, national human rights institutions, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(d) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to nationally appropriate social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

(e) To promote legislation, regulation, policies and programmes that facilitate all women's economic empowerment, ensure equal pay for equal work or work of equal value and prohibit all forms of discrimination, including in the workplace and in education, such as discrimination against women and girls based on pregnancy, maternity, marital status,

[2] A/HRC/38/46.

age, race, sex or gender, as well as violence and harassment against them, including sexual harassment and harassment in digital contexts and online spaces;

4. *Urges* States:

(a) To ensure women's and girls' equal enjoyment of economic, social, cultural, civil and political rights through the prohibition of and appropriate action to eliminate all forms of discrimination by all actors, State and non-State alike;

(b) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in all fields and in leadership at all levels of decision-making in public and private sectors;

(c) To modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

(d) To support gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's rights into teacher training courses, including the prevention of sexual and gender-based violence, and ensuring universal access to evidence-based comprehensive sexuality education;

(e) To provide training on a rights-based gender analysis for duty holders in all spheres and sectors and meaningful collaboration with civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

(f) To support tripartite collaboration among Governments, employers and women workers and their organizations, including trade unions or other representative organizations, to prevent and remove barriers to gender equality and the empowerment of women in the workplace;

5. *Calls upon* States to implement policies and actions directed:

(a) To eradicate poverty and to combat the feminization of poverty, to ensure the full and equal participation of women in the design and implementation of and follow-up to poverty eradication and development policies and programmes, to promote employment and decent work, and to promote the participation of women at all levels and sectors of the economy;

(b) To recognize, reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work, including caring for children, family members with disabilities and older family members, by promoting policies and initiatives that support the reconciliation of work and family life and the equal sharing of responsibilities between women and men, to take steps to implement family-oriented policies to achieve a family-work balance and to facilitate the transition of women informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

(c) To enact legislation and undertake reforms as appropriate to realize the equal rights of women and men, and, where applicable, girls and boys, to natural, economic and productive resources, including access to, use of, and ownership of and control over land, property and inheritance rights, including diverse types of land tenure, appropriate new technology and financial services, such as credit, banking and finance, including but not limited to microfinance, as well as equal access to justice and legal assistance in this regard, and ensure women's legal capacity and equal rights with men's to conclude contracts, in particular of groups of women who are subject to multiple and intersecting forms of discrimination;

(d) To promote substantive equality by adopting the measures necessary to prevent, diminish and eliminate patriarchal and gender stereotypes that cause or perpetuate

substantive or de facto discrimination, including, where appropriate, the adoption of temporary special measures, including for gender-specific needs and equal enjoyment benefits;

(e) To encourage and facilitate women's entrepreneurship, including by improving access to financing and investment opportunities, tools of trade, business development and training, through, inter alia, the mobilization of adequate financial resources, capacity-building and the transfer of technology on mutually agreed terms, in order to increase the share of trade and procurement from women's enterprises, including micro-, small and medium-sized enterprises, cooperatives and self-help groups in both the public and private sectors, and to promote girls' and young women's access to training for business development;

(f) To prevent and eliminate all forms of violence and sexual harassment against women and girls in all settings, including public and private life, means of public transport, schools and workplaces, particularly workplaces that are largely male-dominated or where stereotyped roles prevail, by, inter alia, implementing effective violence-prevention and response activities, including by facilitating effective action after sexual harassment has been committed by holding perpetrators to account and providing victims with access to remedies and protection, engaging men and boys, educating children from a young age about the importance of treating all people with dignity and respect, and by designing educational programmes and training materials that support gender equality, human rights, respectful relationships and non-violent behaviour;

(g) To ensure access to justice and accountability mechanisms for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by informing women and girls about their rights under relevant laws and by improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

(h) To ensure the equal enjoyment by women and girls of quality education, including at all levels human rights education and training, in a safe environment, leading to effective learning outcomes, thereby facilitating their access to information and communications technology and science, and technology, engineering and mathematics education in order to promote their empowerment and to allow them to develop the skills, information and knowledge necessary to support their labour market entry;

6. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's and girls' full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and practice can thrive;

7. *Urges* States to promote, protect and fulfil sexual and reproductive health and rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every individual to have full control over and decide freely and responsibly on all matters relating to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to bodily autonomy and guarantee universal access to sexual and reproductive health, services, evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections,

sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national health strategies and programmes;

8. *Also urges* States to develop, support and protect an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all legislation and policies relevant to substantive gender equality, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women and girls, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[3] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex-, disability- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, disability, income and other characteristics relevant in national contexts;

10. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

11. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

12. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

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[3] A/HRC/32/20.

United Nations A/HRC/38/L.2

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 5
Human rights bodies and mechanisms

Cuba, Democratic People's Republic of Korea,* Nicaragua,* Syrian Arab Republic,* Venezuela (Bolivarian Republic of): draft resolution

38/... The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

3. *Stresses* the need for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2019, in Geneva, on dates suitable for the participation of representatives of States Members of the

* State not a member of the Human Rights Council.

United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on the promotion and protection of the rights of children and youth through education;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2019 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents on the promotion and protection of the rights of children and youth through education as background documents for the dialogues and debates that will be held at the 2019 Social Forum;

7. *Requests* the High Commissioner to facilitate participation in the 2019 Social Forum in order to contribute to the interactive dialogues and debate held at the Forum and to assist the Chair-Rapporteur as resource persons, of no fewer than 10 experts, including representatives of civil society and grass-roots organizations in developing countries, the Special Rapporteur on the right to education and the Chair of the Committee on the Rights of the Child;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2019 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its forty-first session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its forty-first session under the same agenda item.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Cuba, Democratic People's Republic of Korea,* Nicaragua,* Syrian Arab Republic,* Venezuela (Bolivarian Republic of): draft resolution

38/... Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,[1]

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in

* State not a member of the Human Rights Council.

[1] General Assembly resolution 70/1.

the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Mindful that, while globalization opens up new opportunities for growth and development, it also presents challenges, including growing inequality, widespread poverty, unemployment, social disintegration and environmental risks that demand increased coordination and collective decision-making at the global level,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Emphasizing the commitment of States in the 2030 Agenda for Sustainable Development to a revitalized Global Partnership for Sustainable Development based on a spirit of global solidarity, in particular with the poorest and with people in vulnerable situations,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Recognizes* that international solidarity is a powerful tool for addressing the structural causes of poverty, inequality and other global challenges;

9. *Welcomes* the report of the Independent Expert on human rights and international solidarity;[2]

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his mandate, and to supply all necessary information requested by him, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate effectively;

11. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

13. *Reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

14. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

15. *Decides* to continue its consideration of this matter under the same agenda item.

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[2] A/HRC/38/40.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Venezuela (Bolivarian Republic of):* draft resolution

38/... Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 41/128 of 4 December 1986, entitled "Declaration on the Right to Development", in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling further General Assembly resolution 48/141 of 20 December 1993, entitled "High Commissioner for the promotion and protection of all human rights", in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

Reaffirming General Assembly resolution 33/134 of 19 December 1978, entitled "United Nations Conference on Technical Cooperation among Developing Countries", in which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

Recalling all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

cooperation in the field of human rights, the latest of which being Council resolution 35/8 of 22 June 2017 and Assembly resolution 72/171 of 19 December 2017,

Taking note with appreciation of the final document and declaration adopted at the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, in which the States members of the Movement of Non-Aligned Countries reiterated, inter alia, that South-South cooperation is an important element of international cooperation for the sustainable development of their peoples, as a complement to and not as a substitute for North-South cooperation, which allows for the transfer of appropriate technologies, in favourable conditions and on preferential terms,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good-neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Recognizing that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

Noting that 2018 will mark the fortieth anniversary of the adoption of the Buenos Aires Plan of Action,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality,

interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population of the affected countries and create obstacles to the full realization of their human rights;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

12. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and in international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State, in strict conformity with the Charter;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, the security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

16. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

18. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the

provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

19. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights[1];

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

21. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

22. *Urges* States to continue to support the funds;

23. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

24. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

25. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

26. *Recognizes* that the response of the international community to pandemics that constitute a threat to public health and to various natural disasters is an example to follow in terms of solidarity and international cooperation;

27. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

28. *Requests* the High Commissioner to prepare a report on the work of the Office of the High Commissioner in the implementation and enhancement of international cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its forty-first session;

29. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

30. *Recalls* that, in its resolution 72/171, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

31. *Decides* to continue its consideration of the matter in 2018, in accordance with its annual programme of work.

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[1] A/HRC/37/79.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria,* Andorra,* Australia, Bangladesh,* Bolivia (Plurinational State of),* Chile, Fiji,* Maldives,* Mexico, Pakistan, Paraguay,* Peru, Philippines, San Marino,* the former Yugoslav Republic of Macedonia,* Uruguay,* Viet Nam,* Zambia:* draft resolution

38/... Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impact, and Goal 5 on achieving gender equality and empowering all women and girls,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[1]

Reaffirming also the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention,[2] including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

* State not a member of the Human Rights Council.

[1] FCCC/CP/2010/7/Add.1, decision 1/CP.16.

[2] See FCCC/CP/2015/10/Add.2, decision 1/CP.21, annex.

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impact of climate change,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the invitation by the Conference of the Parties to the United Nations Framework Convention on Climate Change to the Paris Committee on Capacity-building, in managing the 2016–2020 workplan, to take into consideration cross-cutting issues, such as gender-responsiveness, human rights and indigenous peoples' and local communities' knowledge,[3]

Welcoming the adoption of the first gender action plan under the Lima Work Programme on Gender at the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of women and girls, who account for the majority of people living in poverty worldwide,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to

[3] See FCCC/CP/2016/10/Add.2, decision 16/CP.22.

factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that women and girls are disproportionately affected by the negative impact of climate change, and emphasizing that sudden-onset natural disasters and slow-onset events seriously affect their access to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and access to decent work,

Recognizing also that women are not only victims but also agents of change, and that the integration of a gender-responsive approach into climate policies, including by conducting gender analysis, ensuring women's right to participate, access to education and training and access to and control over adequate resources, such as clean energy and technology, would increase the effectiveness of climate change mitigation and adaptation,

Noting that gender-responsive climate policies continue to require further strengthening in all activities concerning adaptation, mitigation and related means of implementation, such as finance, technology development and transfer, and capacity-building,

Expressing concern that countries lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Recalling that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Urging States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

Welcoming the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Climate Change Conference, organized by Fiji and held in Bonn, Germany in November 2017 and April and May 2018 respectively, and looking forward to the twenty-forth session of the Conference of the Parties in Katowice, Poland in December 2018,

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Welcoming the convening of the intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders, and taking

note of the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[4]

Noting the research on addressing human rights protection gaps in the context of migration and the displacement of persons across international borders resulting from the sudden onset and slow onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps undertaken by the Office of the High Commissioner, pursuant to Human Rights Council resolution 35/20 of 22 June 2017,[5]

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including those of women and girls, when taking action to address the adverse effects of climate change,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[6]

Noting that the Special Rapporteur on the right to food asserted that climate change has a long-term and deeper impact on food insecurity, and recommended that increasing finance to support developing countries in tackling climate change impacts, through adaptation and by addressing loss and damage, is essential,[7]

Noting with appreciation the work of the Climate Vulnerable Forum which asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional and subregional initiatives on climate change, including those incorporating a gender-responsive approach,

Noting with appreciation the statement made in 2009 by the Committee on the Elimination of Discrimination against Women on gender and climate change,

Noting the work being undertaken on the rights of women and girls in the context of the adverse impacts of climate change by United Nations agencies, bodies and entities, including the United Nations Environment Programme, the United Nations Development Programme, the World Health Organization, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Entity for Gender Equality and the Empowerment of Women and the Committee on the Status of Women,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and the people whose situation is most vulnerable to climate change;

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[4] A/HRC/35/14.
[5] A/HRC/38/21.
[6] A/HRC/31/52.
[7] See A/HRC/37/61.

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive, integrated and gender-responsive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and challenges that climate change represents, for the full and effective enjoyment of human rights for all, particularly to support the resilience and adaptive capacities of women and girls both in rural and urban areas to respond to the adverse impacts of climate change;

5. *Calls upon* States to continue and enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change, to better promote human rights in general and women's access in particular to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology;

6. *Urges* States to strengthen and implement policies aimed at increasing the participation of women in climate change responses at the local, national, regional and international levels, and calls upon the United Nations Entity for Gender Equality and the Empowerment of Women and other United Nations agencies to support upon request national programmes and projects in this regard;

7. *Decides* to incorporate into the programme of work for the forty-first session of the Human Rights Council, on the basis of the different elements contained in the present resolution, a panel discussion on the theme "Women's rights and climate change: climate action, best practices and lessons learned", focusing on best practices and lessons learned in the promotion and protection of the rights of women and girls in the context of the adverse impact of climate change;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the Human Rights Council at its forty-second session;

9. *Also requests* the Office of the High Commissioner, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the United Nations Entity for Gender Equality and the Empowerment of Women, the Commission on the Status of Women, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, from within existing resources, an analytical study on the integration of a gender-responsive approach into climate action at the local, national, regional and international levels for the full and effective enjoyment of the rights of women, to be circulated to States and other stakeholders and to be submitted to the Council in sufficient time but no later than 30 days prior to the forty-first session;

10. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

11. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly women's rights, within their respective mandates;

12. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

14. *Decides* to remain seized of the matter.

United Nations A/HRC/38/L.6

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Argentina,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile, Colombia,* Croatia, Cyprus,* Czechia,* Finland,* France,* Georgia, Germany, Greece,* Haiti,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands,* New Zealand,* Norway,* Peru, Philippines, Poland,* Portugal,* Republic of Moldova,* Romania,* Rwanda, Slovakia, Slovenia, Spain, Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia,* Tunisia, Turkey,* Ukraine, Uruguay:* draft resolution

38/... Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the fact that all forms of discrimination on the basis of sex are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

* State not a member of the Human Rights Council.

Reaffirming the importance of fully implementing General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including the commitment of all States to achieve gender equality and empower all women and girls, and to eliminate all forms of violence against all women and girls in the public and private spheres,

Recalling the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, including the responsibility of business enterprises to respect human rights, bearing in mind the different risks faced by women and men,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to eliminate violence against women and girls,

Reaffirming that the same rights that people have offline must also be protected online,

Taking note with appreciation of the report by the Special Rapporteur on violence against women, its causes and consequences, on online violence against women and girls,[1]

Taking note with appreciation also of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on the use of encryption and anonymity in digital communications,[2]

Taking note of the report of the United Nations Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women,[3]

Recognizing that digital technologies can play an important role in empowering women and girls to exercise all human rights, including the right to freedom of opinion and expression, and in their full, equal and effective participation in political, economic, cultural and social life,

Expressing deep concern at the continued prevalence of violence against all women and girls in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Stressing that "violence against women and girls" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including in digital contexts, and noting the economic and social harm caused by such violence,

Reiterating the need to intensify efforts at all levels and to engage with all stakeholders, including men and boys alongside women and girls as agents of change, to prevent and eliminate all forms of violence against women and girls in the public and private spheres, including the need to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing that violations, abuses, discrimination and violence against women and girls in digital contexts, inter alia, harassment, stalking, bullying, threats of sexual and gender-based violence, death threats, arbitrary or unlawful surveillance and tracking, trafficking in persons, extortion, censorship and the hacking of digital accounts, mobile telephones and other electronic devices, with a view to discrediting women and girls and/or inciting other violations and abuses against them, are a growing concern and underline the need to address systemic gender-based discrimination through effective responses that are in accordance with human rights,

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[1] A/HRC/38/47.

[2] A/HRC/29/32.

[3] A/HRC/35/3–E/CN.6/2017/7.

Recognizing also that violence against women and girls, including in digital contexts, is a global phenomenon rooted in historical and structural inequalities in power relations between women and men, which further reinforce gender stereotypes and barriers to women's and girls' full enjoyment of all human rights, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy, and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms,

Recognizing further that violence against women and girls is a manifestation of gender inequality and discrimination against women and girls, and can impede their economic empowerment and impose direct and indirect short- and long-term costs on individuals and society, including loss of livelihood and lack of access to digital financial services and the psychological and physical impact thereof, as well as additional expenses relating to health-care services, the legal sector, social welfare and specialized services,

Condemning the dissemination of content that promotes and reinforces violence against women and girls, which can result in the perpetual revictimization and retraumatization of women and girls, given that a permanent digital record is created by content shared in digital contexts,

Recognizing the particular risk of violence faced by all women and girls who suffer multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

Strongly condemning all acts of violence against women and girls involved in political and public life, including women parliamentarians, political candidates, journalists and human rights defenders,

Expressing concern at institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict equal access to digital technologies, health-care services, education and employment, thus hindering their empowerment, increasing their vulnerability to violence and compounding the violence experienced,

Recognizing the need to ensure the integration of gender perspectives and to promote the early, full and effective participation of women and girls in the conceptualization, development and implementation of digital technologies and related policies, regulation and legislation in an effort to prevent and eliminate violence against women and girls in digital contexts,

Recognizing also the need to strengthen partnerships among all stakeholders to build the capacity of women to fully participate in, and enjoy the benefits of, the information society, including e-governance, where it exists and as it is developed, and participatory approaches,

Recognizing further that the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts and the continual use and adaptation of digital technologies by perpetrators to avoid detection and investigation call for active cooperation among different actors, including States and their law enforcement and judicial authorities, and private actors with regard to detecting crimes, reporting them to competent authorities for investigation, safeguarding electronic evidence of crimes and handing the evidence over to those authorities in a timely manner,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Condemns in the strongest possible terms* all forms of violence against women and girls, including sexual and gender-based violence, perpetrated through the use of digital technologies;

3. *Expresses deep concern* that all forms of discrimination, intimidation, harassment and violence in digital contexts prevent women and girls from fully enjoying their human rights and fundamental freedoms, including the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association, and the right to

privacy, in accordance with obligations under international law, which hinders their full, equal and effective participation in economic, social, cultural and political affairs and is an impediment to achieving gender equality and the empowerment of all women and girls;

4. *Recognizes* that the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health includes having access to the information, education and means to exercise this right, both online and offline;

5. *Also recognizes* that digital technologies can offer access to information that enables women and girls to make informed and autonomous decisions in matters regarding their own bodies, lives and health, including their sexual and reproductive health and reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences;

6. *Further recognizes* that encryption and anonymity may contribute to individuals' full enjoyment of human rights, including the right to freedom of opinion and expression and the right to privacy, in accordance with international law, and may empower individuals, including women and girls, to access information and ideas, to seek help, assistance and guidance and to freely explore and express ideas relating to their identity and human rights;

7. *Draws attention* to the fact that, in order to ensure the full participation of women and girls in the digital age, digital divides, which disproportionately affect women and girls living in rural or remote areas, need to be addressed by facilitating women's and girls' equal access to digital technologies, to science, technology, engineering and mathematics education and to a technological environment that is conducive to engagement by all women and girls, including through the use of assistive technologies, and promotes a safe and secure digital environment for women and girls, without discrimination or risk of violence and with particular focus on the needs of women and girls facing intersecting systemic inequalities;

8. *Stresses* that violence against women and girls may discourage them from using digital technologies, thereby depriving them of effective tools to fully enjoy their human rights, and could result in additional economic, social and psychological harm to them;

9. *Recognizes* that a proactive and reactive multipronged approach, working with all relevant parties, to eliminate violence against women and girls in digital contexts is required, including education and media campaigns, promoting a culture of respect and non-discrimination online and offline, and maintaining awareness of technological change in order to respond to new methods of violence against women and girls in digital contexts as they emerge;

10. *Calls upon* States to take immediate and effective action to prevent all forms of violence against women and girls, including in digital contexts, by:

(a) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes, including unequal power relations, and risk factors of violence against women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and girls and are in compliance with their international human rights obligations;

(b) Prioritizing the integration of gender perspectives, and ensuring the early, full and effective participation of women and girls in the development and implementation of national policies, legislation, programmes, projects, strategies and regulatory and technical instruments in the area of digital technologies and creating monitoring and accountability mechanisms to ensure implementation of gender-sensitive policies and regulations, as well as analysing the gender impact of such policies in consultation and collaboration with women digital technology specialists, civil society organizations and gender equality advocates;

(c) Supporting initiatives taken by, inter alia, relevant international and non-governmental organizations, business enterprises, faith and community groups, religious leaders, parliamentarians, journalists, national human rights institutions, human rights defenders, including women human rights defenders, and indigenous leaders and groups, as

part of their efforts to develop targeted and accessible responses, programmes and policies, including by allocating adequate resources aimed at promoting gender equality and at preventing, responding to and protecting women and girls from violence in digital contexts;

(d) Encouraging digital technology companies, including Internet service providers and digital platforms, to strengthen or adopt positive measures, including internal policies, to promote gender equality in the design, implementation and use of digital technologies, with a view to eliminating violence against women and girls, and to refrain from presenting women and girls as inferior beings and exploiting them as sexual objects and commodities, thereby empowering women and girls as key actors and contributors to and beneficiaries of sustainable development;

(e) Promoting, supporting and facilitating the full, equal and meaningful participation of women and girls in digital technology conceptualization, development and implementation so that they can fully, safely and actively participate in decision-making, policies and institutions at all levels;

(f) Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with their meaningful participation, with appropriate direction and guidance from parents and legal guardians, and with the active involvement of all relevant stakeholders, in order to empower them to safely use and navigate digital technologies, to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and to promote and build decision-making, communication and risk reduction skills for the development of respectful relationships based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(g) Ensuring that women and girls are able to exercise the right to freedom of opinion and expression online and offline without discrimination, and do not experience violence or threats of violence while exercising this right;

(h) Enacting and enforcing the necessary legislative or other measures, in cooperation with relevant stakeholders, including the private sector and civil society organizations, to prevent and eliminate violence against women and girls in digital contexts;

(i) Mainstreaming a gender perspective into their criminal justice systems and into efforts to prevent and combat crime, including digital technology-mediated and transnational organized crime, including by developing and implementing national criminal justice legislation, policies and programmes that take into account the important role and specific needs of women and girls and by promoting gender-specific measures in crime prevention and protection policies;

11. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls, including in digital contexts, and to protect all victims and survivors by:

(a) Holding perpetrators to account and combating impunity for all forms of violence, including violence used to intimidate women and girls who are exercising the right to freedom of opinion and expression;

(b) Ensuring that legislation allows for the timely and effective investigation, prosecution, sanction and redress of violence against women and girls in digital contexts;

(c) Publicly condemning all forms of violence against women and girls through media and information campaigns and providing women and girls with effective remedies for violence that takes place in digital contexts, including remedies that protect their privacy and avoid their secondary victimization;

(d) Ensuring the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal

frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including in digital contexts, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

(e) Removing gender bias from the administration of justice and enhancing the capacity and capability of law enforcement officials to address violence against women and girls, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating a gender perspective into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(f) Ensuring that all actors involved in or attempting to commit violence against women and girls are held accountable and brought to justice, taking into account the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts;

(g) Encouraging business enterprises, in the effective implementation of the Guiding Principles on Business and Human Rights, to protect the private data of women and girls, to create transparent and effective processes for reporting violence and to develop policies that meaningfully protect women and girls from violence in digital contexts;

(h) Encouraging and ensuring the participation of women and girls in the development and implementation of policies, programmes and other initiatives aimed at eliminating violence against women and girls in digital contexts;

(i) Establishing a system to regularly collect, analyse and publish statistical data disaggregated by sex, age and disability status on complaints about all forms of gender-based violence against women and girls;

12. *Encourages* States and, as appropriate, the relevant funds and programmes, organizations and specialized agencies of the United Nations system, international financial institutions, civil society organizations, the private sector and other stakeholders:

(a) To collect, share, positively recognize and widely publicize good practices to counter gender stereotyping, negative portrayals and the exploitation of women and girls in all forms of media and digital technologies as part of their efforts to eliminate violence and discrimination against women and girls;

(b) To enhance, for the benefit of women and girls, international cooperation in support of national efforts to create an enabling environment to reduce the digital and information divides between developed and developing countries, and to promote, develop and enhance access to digital technologies;

13. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-eighth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its fortieth session;

14. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences as a matter of high priority, in conformity with its annual programme of work.

United Nations A/HRC/38/L.7

General Assembly

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Albania,* Andorra,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Romania,* San Marino,* Slovakia, Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 35/27 of 23 June 2017, and regretting the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including on access of the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;[1]

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the undue restrictions on freedoms of peaceful assembly, association and expression, while noting the positive step taken in permitting a public celebration of the one-hundredth anniversary of the declaration of independence of the Republic of Belarus on 25 March 2018; the continued allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing harassment of human rights defenders,

* State not a member of the Human Rights Council.
[1] A/HRC/38/51.

trade unions and civil society organizations, many of which are denied registration or raided by the authorities; the arrest and fining of journalists for performing their activities and various infringements of freedom of expression, including by the media; and urges the Government to fully respect the freedoms of expression, peaceful assembly and association;

3. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies; and also deplores discrimination particularly affecting individuals belonging to vulnerable groups and religious minorities;

4. *Reiterates its call upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

5. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016-2019 for the implementation of the recommendations accepted by the Government during the second cycle of the universal periodic review of Belarus and the recommendations by some treaty bodies, encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations, and also welcomes the submission of the fifth report by the Government on the implementation of the International Covenant on Civil and Political Rights, in March 2017; and further welcomes the registration of the Tell the Truth movement as a non-governmental organization in May 2017 and the MAKEOUT lesbian, gay, bisexual and transgender project in March 2018, and the steps taken towards a public debate on the application of capital punishment;

6. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

7. *Urges* the Government of Belarus to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

8. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, those civil and political rights have not been reinstated, and political activists continue to be ill-treated and to face questionable and politically motivated charges, while there has been no progress on four outstanding cases of enforced disappearance of political opponents dating back to 1999 and 2000;

9. *Strongly encourages* Belarus to implement without delay the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, which were apparent again during the local elections in February 2018, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur;

10. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national

institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

11. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its forty-first session and to the General Assembly at its seventy-fourth session;

12. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country in his official capacity in order to assist the Government in fulfilling its international human rights obligations and by considering implementation of his recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of his mandate, and requests the latter to continue to monitor developments and make recommendations.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 10
Technical assistance and capacity-building

Togo*: draft resolution

38/... Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as other relevant instruments to which they are parties, and to fulfil their obligations under those instruments and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 35/33 of 23 June 2017 and 33/29 of 30 September 2016 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting and reporting human rights violations and in improving the situation of human rights in the country,

Commending the Democratic Republic of the Congo on its cooperation and on having facilitated access to the country by the Team of International Experts on the situation in the Kasai regions,

Taking note of the statement by the Leader of the Team of International Experts expressing his satisfaction with the quality of cooperation by the authorities of the Democratic Republic of the Congo in carrying out their mandate,

Also taking note of the statement by the Leader of the Team of International Experts during the interactive dialogue held by the Council on the Democratic Republic of the Congo on 21 March 2018, requesting a further period to conclude their investigations,

* On behalf of the States Members of the United Nations who are members of the African Group of States.

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1. *Requests* the Team of International Experts to finalize its work in accordance with paragraph 10 of resolution 35/33 and to submit its conclusions to the Council at its thirty-ninth session;

2. *Decides* to conclude its consideration of this matter, on the basis of the recommendations of the Team of International Experts, at its thirty-ninth session.

United Nations A/HRC/38/L.9

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Chile, Costa Rica,* Croatia, Cyprus,* Czechia, Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland,* Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Netherlands,* Norway,* Paraguay,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* Thailand,* Togo,† Turkey,* United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant human rights instruments,

Reaffirming that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of women and girls,

Recalling its resolutions 27/22 of 26 September 2014, on intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation, and 32/21 of 1 July 2016, on the elimination of female genital mutilation,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

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Recalling also General Assembly resolution 71/168 of 19 December 2016, on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the General Assembly, the Commission on the Status of Women and the Human Rights Council on measures to eliminate traditional practices that are detrimental to the rights of women and girls,

Recalling further the Vienna Declaration and Programme of Action,[1] the Programme of Action of the International Conference on Population and Development,[2] the Beijing Declaration and Platform for Action[3] and the outcomes of their review conferences,

Welcoming the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[4] and the Addis Ababa Action Agenda,[5]

Recognizing that female genital mutilation is a harmful practice that violates, abuses and undermines the human rights of women and girls, that it is linked to other harmful practices and violations of such rights, which it perpetuates, and that such practices and violations, in turn, pose a serious threat to the health and well-being of women and girls, including their physical integrity and their mental, sexual and reproductive health,

Recognizing also that the practice has no documented health benefits and may, on the contrary, increase the risk of sickness and death, that it causes severe stress and shock, that it may give rise to post-partum and obstetric complications such as fistula or haemorrhage, and that it is likely to increase vulnerability to HIV and hepatitis C and B and to cause other health problems,

Recognizing further that the practice of female genital mutilation continues to have an adverse effect not on only the economic, legal, health and social status of women and girls, but also on the development of society as a whole, while the empowerment of and investment in women and girls, their full enjoyment of their human rights and their full, equal, effective and meaningful participation at all levels of decision-making are key to breaking the cycle of gender inequality, discrimination, gender violence and poverty and are critical, inter alia, to sustainable development,

Recognizing that female genital mutilation and all other harmful practices are mainly motivated by gender inequality and patriarchal social norms that undermine the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and girls, and that harmful practices constitute a human rights violation and a form of violence against women and children,

Recognizing also that harmful practices such as female genital mutilation are an impediment to the full realization of gender equality and the empowerment of women and girls, respect for all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals,

Convinced that such harmful practices seriously impede the implementation of legislative and normative frameworks that guarantee gender equality and human rights and prohibit gender-based discrimination,

Deeply concerned that, despite increased national, regional and international efforts, the practice of female genital mutilation persists in all parts of the world and that new forms, such as medicalization and cross-border practice, are emerging,

Concerned about evidence of an increase in the incidence of female genital mutilation being carried out by medical personnel in all regions in which it is practised,

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[1] A/CONF.157/24 (Part I), chap. III.
[2] General Assembly resolution S-21/2, annex.
[3] Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[4] General Assembly resolution 70/1.
[5] General Assembly resolution 69/313, annex.

Recognizing that the practice constitutes torture or ill-treatment and should be prohibited, in accordance with regional and international human rights standards, and that the trend towards the medicalization of female genital mutilation does not make it any more acceptable,

Expressing deep concern about the lack of effective measures for prosecuting perpetrators and providing victims of female genital mutilation with access to remedies and redress, health care and health services, psychosocial counselling, legal assistance and socioeconomic reintegration services,

Recognizing the role of regional and subregional instruments and mechanisms in the prevention and elimination of female genital mutilation,

Taking note of the "UNiTE to end violence against women" campaign launched by the Secretary-General in 2018,

Recalling the inter-agency global strategy launched in 2010 by the World Health Organization to stop health-care providers from practising female genital mutilation,

Welcoming the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice cannot be justified on religious or cultural grounds,

Recognizing that efforts at the local, national, regional and international levels have led to a decline in the global prevalence of female genital mutilation, but remaining deeply concerned that there is still a significant shortfall in the resources allocated to the elimination of female genital mutilation and that the lack of funding has severely limited the scope and roll-out of programmes and activities designed to eliminate the practice,

Reaffirming the obligations and commitments of States to respect, protect and promote the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of female genital mutilation,

Bearing in mind that States have primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice,

1. *Urges* States to condemn all harmful practices that affect women and girls, in particular female genital mutilation, including medical acts performed within or outside of medical institutions, and to take all necessary measures to prohibit female genital mutilation and to protect women and girls from this form of violence;

2. *Urges* States to adopt, implement, harmonize and enforce laws and policies to prevent and put an end to female genital mutilation, protect those at risk and support women and girls who have been subjected to the practice;

3. *Calls upon* States to develop and implement, with the participation of the relevant stakeholders — including girls, women, religious and traditional leaders, community leaders, health-care providers, civil society, human rights groups, men and boys and youth organizations — integrated, comprehensive and coordinated strategies and policies to prevent and eliminate all forms of female genital mutilation;

4. *Urges* States to ensure the national implementation of international and regional obligations that they have undertaken under the various international instruments that protect the full enjoyment of all human rights and fundamental freedoms of women and girls;

5. *Stresses* that the empowerment of women and girls is key to breaking the cycle of discrimination and violence and to promoting and protecting human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States, the international community and the United Nations system to stop the medicalization of female genital mutilation, which implies drawing up and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so as to provide an adequate response to the chronic mental and physical health problems of the millions of women and girls who have undergone female genital

mutilation, as these problems hinder progress in the field of health in general and in the protection of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

7. *Urges* States to respect, protect and promote the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable their enjoyment of all human rights and all fundamental freedoms, including their sexual and reproductive health;

8. *Urges* States to promote accountability and ensure access to justice for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of female genital mutilation, including by informing women and girls about their rights and removing all barriers to access to legal assistance and remedies;

9. *Calls upon* States to take the following immediate and effective measures to eradicate the practice of female genital mutilation:

(a) Address the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations such as patriarchal norms that perpetuate female genital mutilation;

(b) Place special emphasis on formal and informal education, in particular for young people, including girls, and for parents and religious, traditional and community leaders, about the harmful effects of female genital mutilation, and, in particular, encourage men and boys to become more involved in information and awareness campaigns and to be agents of change within communities, with the meaningful participation of women and girls who have been subjected to the practice;

(c) Continue and intensify their efforts to provide information and raise awareness about the harmful effects of female genital mutilation, increase their support for action to eliminate the practice at the community, national and international levels, and organize activities within this framework during the International Day of Zero Tolerance for Female Genital Mutilation, with the involvement of religious and traditional authorities;

(d) Develop, support and promote, as appropriate, educational programmes, including programmes on sexual and reproductive health, that challenge the negative stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(e) Adopt national legislation prohibiting female genital mutilation, in line with international human rights law, and take steps to ensure its strict application, while working to harmonize their laws in order to effectively combat the cross-border practice of female genital mutilation, including by strengthening transnational police and judicial cooperation in the exchange of information on victims and perpetrators of female genital mutilation, in accordance with national laws and policies and international human rights law;

(f) Systematize the collection of data on female genital mutilation, encourage research, particularly at university level, transparency, accountability and data-sharing by the relevant stakeholders, and use the results to strengthen public information and awareness-raising activities and effectively measure the progress made in eliminating female genital mutilation;

(g) Assist professional associations and trade unions of health service providers in adopting internal disciplinary rules prohibiting their members from engaging in the harmful practice of female genital mutilation;

10. *Calls upon* States to provide assistance to women and girls who are victims of female genital mutilation, including through appropriate support services for treatment of the physical, physiological and psychological consequences;

11. *Encourages* States to consider presenting, during the universal periodic review, relevant recommendations on measures to eliminate female genital mutilation;

12. *Invites* the international community to keep the issue of the elimination of female genital mutilation on the agenda of development policies and to devote special

attention to the issue in the implementation of the Sustainable Development Goals between now and 2030;

13. *Calls upon* States to continue to increase technical and financial assistance for the effective implementation of policies, programmes and action plans to eliminate female genital mutilation at the national, regional and international levels;

14. *Invites* the Joint Programme on Female Genital Mutilation/Cutting of the United Nations Population Fund and the United Nations Children's Fund to continue to develop the national capacities of States and local communities, including in the health sector, to ensure the effective implementation of policies, programmes and action plans with the involvement of all stakeholders, and encourages States and development cooperation agencies to consider increasing their financial support for the Joint Programme;

15. *Also invites* the United Nations High Commissioner for Human Rights and the relevant human rights treaty bodies to continue to give special consideration to the question of the elimination of female genital mutilation;

16. *Requests* the United Nations High Commissioner for Human Rights, in close collaboration with the United Nations Population Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other United Nations specialized agencies, funds and programmes, international human rights mechanisms and civil society organizations, to organize a two-day meeting in 2019, preferably in Addis Ababa, to discuss progress, gaps and challenges in the application of human rights norms, standards and principles to the measures taken by State and non-State actors to prevent and eliminate female genital mutilation in different contexts, including in the context of communities, humanitarian assistance and migration and other population movements, and to submit a report on the outcome of the above-mentioned meeting at the forty-fourth session of the Human Rights Council;

17. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Brazil, Bulgaria,* Chile, Congo,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* Germany, Greece,* Haiti,* Iceland,* Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands,* Nigeria, Norway,* Paraguay,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 20/8 of 5 July 2012, 26/13 of 26 June 2014 and 32/13 of 1 July 2016 on the promotion, protection and enjoyment of human rights on the Internet, and Council resolutions 12/16 of 2 October 2009 on freedom of opinion and expression, 28/16 of 26 March 2015 and 34/7 of 23 March 2017 on the right to privacy in the digital age, 23/2 of 13 June 2013 on the role of freedom of opinion and expression in women's empowerment, and 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, and recalling also General Assembly resolutions 68/167 of 18 December 2013, 69/166 of 18 December 2014 and 71/199 of 19 December 2016 on the right to privacy in the digital age, 70/184 of 22 December 2015 on information and communications technologies for development, and 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,

* State not a member of the Human Rights Council.

Welcoming the adoption of the 2030 Agenda for Sustainable Development, and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divides and to develop knowledge societies,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights entitled "Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective"[1] and of the recommendations contained therein, in particular with regard to combating gender-based violence online,

Bearing in mind previous relevant reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and of the Special Rapporteur on the right to privacy,

Noting the launch by the General Conference of the United Nations Educational, Scientific and Cultural Organization of a process to develop an Internet universality indicator framework to assess the contribution to sustainable development from an Internet based on respect for human rights, openness and accessibility to all and guided by multi-stakeholder participation,

Noting also the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo, Brazil, on 23 and 24 April 2014, at which participants acknowledged, inter alia, the need for human rights to underpin Internet governance, and that rights that people have offline must also be protected online, as well as the session of the Internet Governance Forum held in Geneva from 18 to 21 December 2017 and previous sessions of the Forum,

Noting further the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between Governments, civil society, the private sector, the technical community and academia,

Noting that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law,

Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association,

Emphasizing also that access to information on the Internet facilitates vast opportunities in many spheres of life, including for affordable and inclusive education globally, and is therefore an important tool to facilitate promotion of the right to education, while underlining the need to address digital literacy and the digital divides, as they affect

[1] A/HRC/35/9.

the enjoyment of the right to education, and also underlining the important role that international cooperation can play in this regard,

Expressing concern that many forms of digital divide remain between and within countries, and between men and women and boys and girls, and recognizing the need to close them, including through international cooperation, and_recognizing also that the gender digital divide, which includes significant gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights,

Recognizing that violations and abuses of women's rights online are a growing global concern that hinder the equal exercise and enjoyment of human rights and fundamental freedoms on the basis of gender, and may deter women from using information and communications technology, which can exacerbate the gender digital divide and widen gender inequalities in society,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, by promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and by encouraging women and girls to embark on careers in the sciences and in information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of opinion and expression, freedom of association, and privacy,

Noting with concern the various forms of undue restriction of freedom of opinion and expression online, including where States have manipulated or suppressed online expression in violation of international law,

Expressing concern about the spread of disinformation and propaganda on the Internet, which can be designed and implemented so as to mislead, to violate human rights and privacy and to incite violence, hatred, discrimination or hostility,

Concerned at the arbitrary or unlawful collection, retention, processing and use or disclosure of personal data on the Internet, which could violate or abuse human rights,

Deeply concerned at all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and the impunity for these violations and abuses,

Deeply concerned also at measures, in violation of international human rights law, that aim to or that intentionally prevent or disrupt access to or dissemination of information online,

Emphasizing the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, in violation of their rights to privacy and to freedom of expression,

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet, and of the Internet being open, accessible and nurtured by multi-stakeholder participation,

Recognizing that international human rights law should guide private sector actors and be the basis for their policies,

Considering the key importance of government engagement with all relevant stakeholders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

3. *Calls upon* all States to promote and facilitate international cooperation aimed at the development of media and information and communication facilities and technology in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet for all children, which can be an important tool in facilitating the promotion of the right to education, and to support similar learning modules outside of schools;

5. *Calls upon* all States to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all, including by:

(a) Fostering an enabling online environment that is safe and conducive to engagement by all, without discrimination and with consideration for individuals facing systemic inequalities;

(b) Maintaining and enhancing efforts to promote access to information on the Internet as one means of facilitating affordable and inclusive education globally, underlining the need to address digital literacy and the digital divides;

(c) Promoting equal opportunities, including gender equality, in the design and implementation of information and communications technology and in mainstreaming a gender perspective in policy decisions and the frameworks that guide them;

(d) Applying a comprehensive human rights-based approach in providing and expanding access to information and communications technology, and promoting, in consultation with all sections of society, including business enterprises and civil society actors, policies and guidelines for information and communications technology that include specific attention to gender considerations;

6. *Calls upon* States to ensure effective remedies for human rights violations, including those relating to the Internet, in accordance with their international obligations;

7. *Encourages* all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technology and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;

8. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure the protection of all human rights online, in particular freedom of opinion and expression, freedom of association, and privacy, including through democratic and transparent national institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

9. *Encourages* business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, which may include measures for encryption and anonymity, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law;

10. *Condemns unequivocally* all human rights violations and abuses such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion,

intimidation and harassment, as well as trafficking in persons, and sexual and gender-based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability in this regard;

11. *Also condemns unequivocally* online attacks against women, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression, and calls for gender-sensitive responses that take into account the particular forms of online discrimination;

12. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling online environment for the enjoyment of human rights so that journalists may perform their work independently and without undue or unlawful interference, including by allowing them to secure their communications and to protect the confidentiality of their sources;

13. *Condemns unequivocally* measures, in violation of international human rights law, that prevent or disrupt an individual's ability to seek, receive or impart information online, calls upon all States to refrain from and cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression online;

14. *Condemns* all undue restrictions of freedom of opinion and expression online that violate international law, and notes with concern that such restrictions have a significant impact on women and girls and other individuals who may face multiple and intersecting forms of discrimination;

15. *Stresses* the importance of combating advocacy of hatred on the Internet, which constitutes incitement to discrimination or violence, including by promoting tolerance, education and dialogue;

16. *Calls upon* States, while fully respecting their human rights obligations and commitments regarding freedom of opinion and expression, to encourage media training, educational campaigns and other efforts aimed at identifying and raising awareness about information online that may be deliberately misleading or false;

17. *Urges* States to adopt, implement and, where necessary, reform laws, regulations, policies and other measures concerning personal data and privacy protection online, in order to prevent, mitigate and remedy the arbitrary or unlawful collection, retention, processing, use or disclosure of personal data on the Internet that could violate human rights;

18. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have at their core the objective of universal access, and the enjoyment of human rights;

19. *Encourages* special procedures to take these issues into account within their existing mandates, as applicable;

20. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and with other information and communications technology, as well as of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

United Nations A/HRC/38/L.10/Rev.1

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Argentina,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Benin,* Brazil, Bulgaria,* Chile, Congo,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Haiti,* Iceland,* Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malawi,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands,* Nigeria, Norway,* Paraguay,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 20/8 of 5 July 2012, 26/13 of 26 June 2014 and 32/13 of 1 July 2016 on the promotion, protection and enjoyment of human rights on the Internet, and Council resolutions 12/16 of 2 October 2009 on freedom of opinion and expression, 28/16 of 26 March 2015 and 34/7 of 23 March 2017 on the right to privacy in the digital age, 23/2 of 13 June 2013 on the role of freedom of opinion and expression in women's empowerment, and 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, and recalling also General Assembly resolutions 68/167 of 18 December 2013, 69/166 of 18 December 2014 and 71/199 of 19 December 2016 on the right to privacy in the digital age, 70/184 of 22 December 2015 on information and communications technologies for development, and 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,

* State not a member of the Human Rights Council.

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Welcoming the adoption of the 2030 Agenda for Sustainable Development, and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divides and to develop knowledge societies,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights entitled "Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective"[1] and of the recommendations contained therein, in particular with regard to combating gender-based violence online,

Bearing in mind previous relevant reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on the right to privacy,

Noting the launch by the General Conference of the United Nations Educational, Scientific and Cultural Organization of a process to develop an Internet universality indicator framework to assess the contribution to sustainable development from an Internet based on respect for human rights, openness and accessibility to all and guided by multi-stakeholder participation,

Noting also the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo, Brazil, on 23 and 24 April 2014, at which participants acknowledged, inter alia, the need for human rights to underpin Internet governance, and that rights that people have offline must also be protected online, as well as the session of the Internet Governance Forum held in Geneva from 18 to 21 December 2017 and previous sessions of the Forum,

Noting further the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between Governments, civil society, the private sector, the technical community and academia,

Expressing concern at the increasing use, in a globalized society, by terrorists and their supporters, of information and communications technologies, and noting in this regard that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law,

Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association,

Emphasizing also that access to information on the Internet facilitates vast opportunities in many spheres of life, including for affordable and inclusive education globally, and is therefore an important tool to facilitate promotion of the right to education, while underlining the need to address digital literacy and the digital divides, as they affect

[1] A/HRC/35/9

the enjoyment of the right to education, and also underlining the important role that international cooperation can play in this regard,

Expressing concern that many forms of digital divide remain between and within countries, and between men and women and boys and girls, and recognizing the need to close them, including through international cooperation, and recognizing also that the gender digital divide, which includes significant gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights,

Recognizing that violations and abuses of women's rights online are a growing global concern that hinder the equal exercise and enjoyment of human rights and fundamental freedoms on the basis of gender, and may deter women from using information and communications technology, which can exacerbate the gender digital divide and widen gender inequalities in society,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, by promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and by encouraging women and girls to embark on careers in the sciences and in information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of opinion and expression, freedom of association, and privacy,

Noting with concern the various forms of undue restriction of freedom of opinion and expression online, including where States have manipulated or suppressed online expression in violation of international law,

Expressing concern about the spread of disinformation and propaganda on the Internet, which can be designed and implemented so as to mislead, to violate human rights and privacy and to incite violence, hatred, discrimination or hostility,

Concerned at the arbitrary or unlawful collection, retention, processing and use or disclosure of personal data on the Internet, which could violate or abuse human rights,

Deeply concerned at all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and the impunity for these violations and abuses,

Deeply concerned also at measures in violation of international human rights law that aim to or that intentionally prevent or disrupt access to or dissemination of information online,

Emphasizing the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, in violation of their rights to privacy and to freedom of expression,

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet, and of the Internet being open, accessible and nurtured by multi-stakeholder participation,

Recognizing that international human rights law should guide private sector actors and be the basis for their policies,

Considering the key importance of government engagement with all relevant stakeholders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

3. *Calls upon* all States to promote and facilitate international cooperation aimed at the development of media and information and communication facilities and technology in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet for all children, which can be an important tool in facilitating the promotion of the right to education, and to support similar learning modules outside of schools;

5. *Calls upon* all States to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all, including by:

(a) Fostering an enabling online environment that is safe and conducive to engagement by all, without discrimination and with consideration for individuals facing systemic inequalities;

(b) Maintaining and enhancing efforts to promote access to information on the Internet as one means of facilitating affordable and inclusive education globally, underlining the need to address digital literacy and the digital divides;

(c) Promoting equal opportunities, including gender equality, in the design and implementation of information and communications technology and in mainstreaming a gender perspective in policy decisions and the frameworks that guide them;

(d) Applying a comprehensive human rights-based approach in providing and expanding access to information and communications technology, and promoting, in consultation with all sections of society, including business enterprises and civil society actors, policies and guidelines for information and communications technology that include specific attention to gender considerations;

6. *Calls upon* States to ensure effective remedies for human rights violations, including those relating to the Internet, in accordance with their international obligations;

7. *Encourages* all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technology and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;

8. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure the protection of all human rights online, in particular freedom of opinion and expression, freedom of association, and privacy, including through democratic and transparent national institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

9. *Encourages* business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, which may include measures for encryption and anonymity, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law;

10. *Condemns unequivocally* all human rights violations and abuses such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion,

intimidation and harassment, as well as trafficking in persons, and sexual and gender-based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability in this regard;

11. *Also condemns unequivocally* online attacks against women, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression, and calls for gender-sensitive responses that take into account the particular forms of online discrimination;

12. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling online environment for the enjoyment of human rights so that journalists may perform their work independently and without undue or unlawful interference, including by allowing them to secure their communications and to protect the confidentiality of their sources;

13. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, calls upon all States to refrain from and cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression online;

14. *Condemns* all undue restrictions of freedom of opinion and expression online that violate international law, and notes with concern that such restrictions have a significant impact on women and girls and other individuals who may face multiple and intersecting forms of discrimination;

15. *Stresses* the importance of combating advocacy of hatred on the Internet, which constitutes incitement to discrimination or violence, including by promoting tolerance, education and dialogue;

16. *Calls upon* States, while fully respecting their human rights obligations and commitments regarding freedom of opinion and expression, to encourage media training, educational campaigns and other efforts aimed at identifying and raising awareness about information online that may be deliberately misleading or false;

17. *Urges* States to adopt, implement and, where necessary, reform laws, regulations, policies and other measures concerning personal data and privacy protection online, in order to prevent, mitigate and remedy the arbitrary or unlawful collection, retention, processing, use or disclosure of personal data on the Internet that could violate human rights;

18. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have at their core the objective of universal access, and the enjoyment of human rights;

19. *Encourages* special procedures to take these issues into account within their existing mandates, as applicable;

20. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and with other information and communications technology, as well as of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Angola, Argentina,* Bosnia and Herzegovina,* Brazil, Chile, Cyprus,* Ecuador, Germany, Greece,* Haiti,* Honduras,* Hungary, Madagascar,* Mexico, Montenegro,* Nicaragua,* Nigeria, Paraguay,* Peru, Poland,* Portugal,* San Marino,* Slovenia, Spain, Tunisia, Turkey,* Uruguay:* draft resolution

38/... The incompatibility between democracy and racism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents,

Recalling also the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling further the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Acknowledging that the Durban Declaration and Programme of Action, in its paragraphs 81 and 85, and the outcome document of the Durban Review Conference, in its paragraphs 10 and 11, recognize the incompatibility between democracy and racism,

Recalling General Assembly resolutions 68/237 of 23 December 2013, in which the Assembly proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme "People of African d cent: recognition, justice and development", and 69/16 of 18 November 2014, in which it adopted the programme of activities for the implementation of the International Decade for People of African Descent,

Recalling also Human Rights Council resolutions 29/20 of 2 July 2015 and 18/15 of 29 September 2011, Council decision 2/106 of 27 November 2006, and Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of

* State not a member of the Human Rights Council.

23 April 2002, 2003/41 of 23 April 2003, 2004/38 of 19 April 2004 and 2005/36 of 19 April 2005, on the incompatibility between democracy and racism,

Bearing in mind all relevant reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and of the United Nations High Commissioner for Human Rights with regard to the incompatibility between democracy and racism,

Welcoming the panel discussion on the incompatibility between democracy and racism, held in March 2016 during the thirty-first session of the Human Rights Council, and taking note of the summary report of the High Commissioner on the panel discussion, presented to the Council at its thirty-second session,[1]

Acknowledging the linkage and complementarity of the fight against racism, racial discrimination and xenophobia with the long-term construction of a democratic, non-discriminatory and a multicultural society based on the recognition, respect and promotion of cultural, ethnic and religious diversity,

Remaining alarmed at the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Emphasizing that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that acts of racial violence, incitement to racial hatred or discrimination, inter alia by the dissemination of ideas based on racial or ethnic superiority or hatred, do not constitute legitimate expressions of opinion but rather unlawful acts or offences, and that when government officials and public authorities engage in such acts they undermine the principle of non-discrimination and endanger democracy,

Recognizing the importance of freedom of speech and expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

Acknowledging that the exercise of the right to freedom of expression carries with it special duties and responsibilities, among which the obligation not to disseminate racist ideas is of particular importance, and that freedom of expression shall only be subject to certain restrictions that are provided by law and are necessary for respect of the rights or reputations of others, including the principles of equality and non-discrimination,

Condemning political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, and legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Emphasizing the importance of States reinforcing their commitment to promoting tolerance and human rights and to fighting against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance,

Reaffirming that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts,

1. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights, as established in the relevant international and regional human rights instruments, and are incompatible with democracy, the rule of law, and transparent and accountable governance;

[1] A/HRC/32/29.

2. *Expresses deep concern* about the rise of extremist political parties, movements and groups that seek to normalize racism, racial discrimination, xenophobia and related intolerance, particularly against migrants and refugees, and about the negative or derogatory stereotypes that incite hatred of and violence against them;

3. *Urges* States to develop comprehensive approaches to counter violent manifestations of racism, racial discrimination, xenophobia and related intolerance, including by extremist political leaders, parties, movements and groups, through solid legal frameworks, complemented by other measures, such as education and awareness-raising programmes and a victim-centred approach;

4. *Decides* to convene an intersessional high-level panel discussion, before the forty-first regular session of the Human Rights Council, to discuss the incompatibility between democracy and racism, with a view to identifying challenges and good practices;

5. *Requests* the United Nations High Commissioner for Human Rights to organize the panel discussion in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, national human rights institutions and specialized national equality bodies as appropriate, with a view to ensuring their participation in the panel discussion;

6. *Also requests* the High Commissioner to prepare a summary report on the panel discussion for submission to the Human Rights Council at its forty-second session;

7. *Invites* the relevant mechanisms of the Human Rights Council and the United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from racism and xenophobia in political circles, especially with regard to their incompatibility with democracy.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Angola, Argentina,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Brazil, Bulgaria,* Chile, Colombia,* Costa Rica,* Croatia, Cyprus,* Denmark,* Ecuador, Estonia,* Finland,* Georgia, Greece,* Honduras,* Iceland,* Ireland* Italy,* Luxembourg,* Madagascar,* Malta,* Mexico, Montenegro,* Mozambique,* Netherlands,* Norway,* Paraguay,* Peru, Poland,* Portugal,* Romania,* San Marino,* Slovakia, Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* Uruguay:* draft resolution

38/... Human rights in the context of HIV and AIDS

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and all relevant international human rights treaties,

Reaffirming also that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling Human Rights Council resolutions 12/27 of 2 October 2009, 30/8 of 1 October 2015, 32/15 of 1 July 2016, 35/23 of 23 June 2017 and 36/13 of 28 September 2017, and other relevant resolutions of the Council and the Commission on Human Rights,

Reaffirming the Political Declarations on HIV and AIDS adopted by the General Assembly on 2 June 2006, 10 June 2011 and 8 June 2016, and the Declaration of Commitment on HIV/AIDS adopted by the Assembly on 27 June 2001,

Recalling the International Guidelines on HIV/AIDS and Human Rights, annexed to Commission on Human Rights resolution 1997/33 of 11 April 1997, which provide guidance on ensuring respect for and the protection and fulfilment of human rights in the context of HIV,

Recalling also resolution 60/2 on women, the girl child and HIV and AIDS, adopted on 24 March 2016 by the Commission on the Status of Women,

* State not a member of the Human Rights Council.

Recalling further the panel discussion held on 11 March 2016, at the thirty-first session of the Human Rights Council, to review the progress in, and challenges of, addressing human rights in the context of efforts to end AIDS by 2030,

Welcoming the 2017 Social Forum, on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics, and taking note with appreciation of its report,[1]

Recognizing the leading role of the Joint United Nations Programme on HIV/AIDS and its co-sponsor organizations, such as the World Health Organization, in the global effort to end AIDS by 2030,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Welcoming the Sustainable Development Goals, including Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, particularly target 3.3, which envisages ending by 2030 the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combating hepatitis, waterborne diseases and other communicable diseases, as well as all other health-related Goals,

Recognizing that the 2030 Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recognizing also that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Recognizing further that universal health coverage anchored in respect for and the protection and fulfilment of the human right to health is essential in the response to HIV and AIDS,

Noting with grave concern that, in spite of recent progress in the response to the HIV epidemic, approximately 36.7 million people are living with HIV globally, that an estimated 11.2 million people living with HIV are unaware of their HIV status, and that another 6 million who know of their infection have no access to antiretroviral therapy,

Particularly concerned that progress against the HIV epidemic is uneven across regions, countries and populations, that in some parts of the world new infections are increasing and access to HIV prevention, diagnosis, treatment, care and support remains limited; and that populations most in need of HIV services continue to be left behind,

Recognizing that women and girls are more vulnerable to HIV infection and that they bear a disproportionate burden of the impact of the HIV and AIDS epidemic, which includes care of and support for those living with and affected by HIV and AIDS, and that this negatively affects girls by depriving them of their childhood and diminishing their opportunities to receive an education, often resulting in their having to head households and increasing their vulnerability to the worst forms of child labour and to sexual exploitation,

Concerned at the continuing high prevalence of HIV among key populations,

Recognizing that addressing the holistic needs and rights of persons living with, at risk of or affected by HIV throughout the course of their life will require close collaboration with efforts to end poverty and hunger everywhere, to improve food and nutrition security and access to free, non-discriminatory primary and secondary education, to promote healthy lives and well-being, to provide access to HIV-sensitive social protection for all, including for children, to reduce inequalities within and among countries, to achieve gender equality and the empowerment of all women and girls, to provide for decent work and economic

[1] A/HRC/37/74.

empowerment and to promote healthy cities, stable housing and just and inclusive societies for all,

Reaffirming that the full realization of all human rights and fundamental freedoms for all is an essential element in the global response to the HIV epidemic, including in the areas of prevention, diagnosis, treatment, care and support, and that such a response reduces a person's vulnerability to HIV,

Recognizing that addressing stigma, discrimination, violence and abuse against all persons living with, presumed to be living with, at risk of, or affected by HIV is a critical element in ending AIDS,

Mindful of the importance of national, regional and international legal environments ensuring universal access to HIV-related prevention, diagnosis, treatment, care and support, including for key populations,

Recognizing the critical role and space of civil society, including communities, affected populations and community-based organizations, as a catalyst for rights-based and evidence-informed responses to HIV, and recognizing their long-standing contribution to the global response to AIDS,

Stressing the need for the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines, diagnostics and medical devices that are affordable, safe, efficacious and of quality; financial and technical support and training of personnel, while recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States; and recognizing the fundamental importance of the transfer of environmentally sound technologies on favourable terms, including on concessional and preferential terms, as mutually agreed,

Reaffirming the right to use, to the fullest extent, the provisions contained in the World Trade Organization Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement), which provides flexibilities for the protection of public health and promotes access to medicines for all, in particular for developing countries, and in the Doha Declaration on the TRIPS Agreement and Public Health, which recognizes that intellectual property protection is important for the development of new medicines and also recognizes the concerns about its effects on prices,

Bearing in mind paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should work in close cooperation with regional organizations,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, including in the context of the response to HIV,

1. *Affirms* that respect for and the protection and fulfilment of human rights in the context of HIV, including universal access to HIV-related prevention, diagnosis, treatment, care and support, are an essential element in achieving full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and in ending AIDS;

2. *Welcomes* the Political Declaration on HIV and AIDS: On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030, adopted by the General Assembly in its resolution 70/266 on 8 June 2016, and urges States to take all steps necessary to implement the commitments therein;

3. *Calls upon* all States and relevant United Nations funds, programmes and specialized agencies, and international and regional intergovernmental and non-governmental organizations, to continue to take all steps necessary to ensure respect for and the protection and fulfilment of human rights and to prevent and eliminate stigma, discrimination, violence and abuse in the context of HIV as an essential part of efforts to

achieve the goal of universal access to HIV prevention, diagnosis, treatment, care and support;

4. *Urges* States to ensure full and unimpeded access, for all persons living with, presumed to be living with, at risk of, or affected by HIV, including key populations, to HIV prevention, diagnosis, treatment, care and support, in a public health environment free from discrimination, harassment or persecution against those seeking HIV-related services, while respecting and protecting their right to privacy, confidentiality, and free and informed consent;

5. *Also urges* States to bring their laws, policies and practices, including their strategies for implementing the HIV- and other health-related Sustainable Development Goals, fully into compliance with their obligations under international human rights law, and to review or repeal those that are discriminatory or that adversely affect the successful, effective and equitable delivery of HIV prevention, diagnosis, treatment, care and support programmes for all persons living with, presumed to be living with, at risk of, or affected by HIV, including key populations;

6. *Expresses grave concern* that discriminatory attitudes and policies towards persons living with, presumed to be living with, at risk of, or affected by HIV, including those co-infected by tuberculosis, continue to be reported, and that restrictive and punitive legal and policy frameworks continue to discourage and prevent people from having access to prevention, diagnosis, treatment, care and support services;

7. *Welcomes and encourages* regional efforts to set ambitious targets and design and implement strategies to accelerate the response to end AIDS;

8. *Encourages* the exchange, among countries and regions, of information, research, evidence, best practices and experiences for implementing the measures and commitments related to the global response to HIV and AIDS, as well as subregional, regional, interregional and global cooperation and coordination;

9. *Reaffirms* that access to safe, effective and affordable medicines, diagnosis and treatment for all, without discrimination, in the context of epidemics such as HIV and AIDS, is fundamental to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

10. *Recognizes* the need to scale up national, regional and international efforts, including by increasing investments, funding, official development assistance, and technology transfer on mutually agreed terms, to reduce the rate of new HIV infections and AIDS-related deaths, in order to avoid the epidemic rebounding in some countries, which which may not reach the ambitious, time-bound targets and commitments already set, including the Joint United Nations Programme on HIV/AIDS 90-90-90 treatment targets by 2020 and the target of ending the AIDS epidemic by 2030;

11. *Strongly encourages* States, in the context of HIV prevention, diagnosis, treatment, care and support, to provide human rights education and training for health workers, the police, law enforcement officers and prison staff, and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for the will and preferences of all, confidentiality and privacy, and non-harassment, so as to allow outreach and other service activities and to exchange best practices in this regard;

12. *Stresses* that the lack of respect for and of protection and fulfilment of the human rights of all women and girls and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, and of their enjoyment of the right to the highest attainable standard of physical and mental health, aggravates the impact of the epidemic among them and increases their vulnerability;

13. *Calls upon* States to address as a priority the vulnerabilities faced by children affected by or living with HIV, providing those children and their families with social protection, support and rehabilitation, including social and psychological rehabilitation and

care, paediatric services and medicines, free from stigma and discrimination, and intensifying efforts to eliminate vertical transmission and to develop and provide early diagnosis tools, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and building, where needed, and supporting social security systems that protect them;

14. *Emphasizes* that addressing the specific needs of adolescents and young people, especially girls and young women, in the response to HIV is a key element in efforts to achieve an AIDS-free generation, and urges Member States to develop accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, as well as comprehensive education programmes, including those related to sexually transmitted infections, and to strengthen efforts in this regard, including by ensuring the active involvement of young people living with or affected by HIV in the response;

15. *Calls upon* States to accelerate efforts to scale up scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, sexuality and HIV prevention, gender equality and women's empowerment, human rights, and physical, psychological and pubertal development;

16. *Recalls* that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by persons living with, presumed to be living with or affected by HIV and by members of key populations have negative consequences for their enjoyment of the highest attainable standard of mental health;

17. *Emphasizes* the need to take into account the public health dimension of the world drug problem, in accordance with the operational recommendations of the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem";[2]

18. *Stresses* that breaking the cycles of HIV transmission requires ensuring that all people receive adequate HIV prevention, diagnosis, treatment, care and support throughout their life cycles, including specialized care for HIV and other chronic conditions linked to ageing, response to drug-resistant strains of HIV, and resistance to antiretrovirals as well as antimicrobial resistance;

19. *Urges* States to address the multiple and intersecting forms of discrimination and the specific health-care needs experienced by migrant and mobile populations, and by refugees and crisis-affected populations, in the context of HIV and to eliminate stigma, discrimination and violence, as well as to review policies related to restrictions on entry on the basis of HIV status with a view to eliminating such restrictions and the return of people on the basis of their HIV status, and to support their access to HIV prevention, diagnosis, treatment, care and support;

20. *Stresses* the need to ensure that gender equality strategies also address the impact of harmful gender norms, including delayed health-seeking behaviours, lower coverage of HIV testing and treatment and higher HIV-related mortality among men, in order to ensure better health outcomes for men and to reduce HIV transmission to partners;

21. *Also stresses* that comprehensive HIV prevention, diagnosis, treatment, care and support should be available in prisons and other custodial settings;

22. *Encourages* States, United Nations agencies, funds and programmes, international, regional and non-governmental organizations, national human rights institutions and other relevant stakeholders to ensure the meaningful participation of persons living with or affected by HIV and of key populations both in decision-making processes related to, and in the implementation of, policies and programmes on HIV;

[2] General Assembly resolution S-30/1.

23. *Requests* the United Nations High Commissioner for Human Rights to organize a consultation, in the first half of 2019, in coordination with the Joint United Nations Programme on HIV/AIDS, lasting one and a half days, to discuss all relevant issues and challenges pertaining to respect for and the protection and fulfilment of human rights in the context of the response to HIV, with a focus on regional and subregional strategies and best practices;

24. *Also requests* the High Commissioner to invite to the consultation Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, the special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the treaty bodies, regional human rights and health organizations and bodies, national human rights institutions and civil society, including persons living with, presumed to be living with, at risk of, or affected by HIV;

25. *Further requests* the High Commissioner to prepare a report on the outcome of the consultation, in which the High Commissioner identifies regional and subregional [illegible] practices to respond to the HIV epidemic and to respect, protect and fulfil the rights of persons living with, presumed to be living with, at risk of, or affected by HIV, and to present the report to the Human Rights Council at its forty-first session.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Australia, Austria,* Azerbaijan,* Belgium, Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Bulgaria,* Chile, Costa Rica,* Croatia, Cyprus,* Denmark,* Estonia,* Finland,* Germany, Greece,* Iceland,* Ireland,* Italy,* Lithuania,* Luxembourg,* Madagascar,* Maldives,* Malta,* Monaco,* Montenegro,* Norway,* Paraguay,* Peru, Philippines, Poland,* Portugal,* Republic of Moldova,* Romania,* Slovakia, Slovenia, Spain, Sweden,* Thailand,* the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine, Uruguay:* draft resolution

38/... The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 35/2 of 22 June 2017, and the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, including Goal 4 on ensuring inclusive and

* State not a member of the Human Rights Council.

equitable quality education and promoting lifelong learning opportunities for all, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including internally displaced persons and refugees,

Reiterating the commitments to strengthen the means of implementation, including Goal 17 of the Sustainable Development Goals and the commitments under each Goal, and the actions outlined in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, for ensuring the full realization of the Sustainable Development Goals,

Reiterating also the importance of early childhood development as a valuable foundation of the entire basic education system,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults, owing to, inter alia, discrimination based on race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status, early marriage or pregnancy, the lack of appropriate sanitary facilities, gender stereotypes, patriarchal social norms, and on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, the development by experts of guiding principles and tools for States, and ensuring justiciability of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as:

(a) Reviewing national education governance systems, which include the laws, policies, institutions, administrative procedures and practices, monitoring and accountability mechanisms, and judicial procedures relating to the right to education, in accordance with their obligations under international human rights law and remaining consistent with the commitments undertaken by all States in the Sustainable Development Goals;

(b) Applying the principles of transparency, accountability and non-discrimination in national and local education governance and management structures, inter

alia, by ensuring that governance structures and practices are accessible by the public and are verifiable;

(c) Promoting inclusive participation in education governance mechanisms and procedures, inter alia, by facilitating the inclusion in and engagement of teachers, parents and local authorities, students and other stakeholders in the education governance system;

(d) Promoting human rights training for all actors and stakeholders in education governance systems, addressing national education and training programmes, and ensuring that the components and processes of education governance and management, including curricula, methods and training, are undeniably conducive to strengthening learning about human rights;

(e) Developing national monitoring and evaluation systems to inform education policies and assess whether education systems are meeting national objectives, human rights obligations and the Sustainable Development Goals, inter alia, by collecting detailed and disaggregated data in order to evaluate whether the target populations, including girls and women, and members of groups in vulnerable situations, are adequately included, and how they are performing;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Urges* States to put in place a regulatory framework to ensure the regulation of all education providers, including those operating independently or in partnership with States, guided by international human rights law and principles, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Welcomes*:

(a) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on governance and the right to education;[1]

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

[1] A/HRC/38/32.

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

8. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

9. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical steps, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

10. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education, and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations;

11. *Also calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, including by taking measures to deter the military use of schools, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

12. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

13. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

14. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including sexual harassment, school-related sexual and gender-based violence, and bullying of children, in schools and other educational settings, and to realize gender equality and the right to education for all;

15. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

16. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

17. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

18. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

19. *Decides* to remain seized of the matter.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Australia, Azerbaijan,* Bolivia (Plurinational State of),* Chile, Cyprus,* Cuba, Ecuador, Greece,* Honduras,* Liechtenstein,* Peru, Paraguay,* Philippines, Switzerland, Uruguay:* draft resolution

38/... Human rights and the regulation of civilian acquisition, possession and use of firearms

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other international human rights law instruments and the Vienna Declaration and Programme of Action,

Recalling also General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 and decision 5/101 of 18 June 2007, 16/21 of 25 March 2011, 26/16 of 26 June 2014 and 29/10 of 2 July 2015,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16 to promote peaceful and inclusive societies,

Recalling that States bear the primary responsibility under international law to respect, protect and fulfil all human rights, namely civil, political, economic, social and cultural rights, and fundamental freedoms, and that such responsibility may include, as appropriate, enacting and enforcing relevant national legislation and implementing related policies and practices,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to the realization of their economic, social and cultural rights, and to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

* State not a member of the Human Rights Council.

Alarmed that hundreds of thousands of human beings of all ages around the world continue to have their human rights, in particular their right to life and security of person, negatively affected by the misuse, intentional or unintentional, of firearms, which has direct links to violence, including violence against women and children, and domestic violence,

Noting with concern that cases of civilian firearms-related violence cause death, non-fatal physical injuries and psychological trauma, and may lead to severe disability and an overall decline in a sense of public safety,

Recognizing that the costs generated by civilian firearms-related violence in terms of, inter alia, medical treatment, mental health services and criminal justice might undermine the capabilities of States to use their resources to further enhance the promotion and protection of human rights and fundamental freedoms,

Recognizing also that national regulation of civilian acquisition, possession and use of firearms includes appropriate measures to avoid illicit practices, including diversion of firearms,

Recognizing further the importance of systematic measuring, monitoring and reporting of civilian firearms related-violence for the enjoyment of human rights,

Acknowledging that an effective national regulation of civilian acquisition, possession and use of firearms may contribute positively to diminishing the number of victims of the misuse of firearms, and may enhance the protection of all human rights, namely civil, political, economic, social and cultural rights,

Acknowledging also the efforts made by different States at various levels, including at the regional and subregional levels, to ensure that the civilian acquisition, possession and use of firearms in their respective societies are effectively regulated,

1. *Reiterates* its deep concern at the fact that hundreds of thousands of human beings of all ages around the world have lost their lives or suffered injuries and psychological harm by the misuse of firearms by civilians, thus having their human rights, in particular their right to life and security of person, negatively affected;

2. *Recognizes* that civilian firearms-related violence and insecurity pose direct risks to the right to life, security of person and physical integrity, and also affect other civil and political, as well as economic, social and cultural rights, including the rights to health, to education, to an adequate standard of living and social security and to the right to participate in public, political and cultural life;

3. *Calls once more upon* all States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international law, in particular human rights law, and their constitutional frameworks, in order to ensure that the civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of the human rights of all;

4. *Calls upon* States to ensure that regulations on the civilian acquisition, possession and use of firearms include appropriate measures to avoid illicit practices, including diversion of firearms;

5. *Also calls upon* all States to take effective measures with the aim of implementing the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, to promote peaceful and inclusive societies;

6. *Welcomes* the report of the United Nations High Commissioner for Human Rights on human rights and the regulation of civilian acquisition, possession and use of firearms, and the different ways in which firearms have been effectively regulated;[1]

7. *Requests* the High Commissioner to prepare a report on the impact of the civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights, with a view to contributing to a fuller understanding of that impact by States and other relevant stakeholders, and to the strengthening or developing of effective national

[1] A/HRC/32/21.

regulation and to other possible measures taken by States, and to present the report to the Human Rights Council at its forty-second session;

8. *Invites* all relevant special procedures, commissions of inquiry and human rights treaty bodies, as well as the Office of the United Nations High Commissioner for Human Rights, to continue to bear in mind the present resolution within the framework of their respective mandates;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States;

10. *Decides* to remain seized of this issue.